

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGANLaMarcus Valentine Berry #00202251

(Enter above the full name of the plaintiff(s), including prisoner number, in this action. If you cannot list all plaintiffs in the space provided, please write "see attached" and list all names on an additional page.)

v.

Michael David Adams (Attorney # P70651)

FILED - GR

March 7, 2024 11:37 AM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: KB SCANNED BY: JW / 3-7

1:24-cv-233

Jane M. Beckering
U.S. District Judge

(Enter above the full name of the defendant(s) in this action. If you cannot list all defendants in the space provided, please write "see attached" and list all names on an additional page.)

COMPLAINT
(Print Clearly)

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$405.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes No
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

United States District Court Western District of Michigan Southern Division

2. Is the action still pending? Yes No

a. If your answer was no, state precisely how the action was resolved: _____

3. Did you appeal the decision? Yes No

4. Is the appeal still pending? Yes No

a. If not pending, what was the decision on appeal? _____

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes No

a. If so, explain: _____

II. Parties

A. Plaintiff(s)

Enter your name, place of confinement, address, and place of confinement during the events described in the complaint in the blanks below. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff LaMarcus Valentino Berry

Place of Present Confinement Kent County Correctional facility

Address 703 Ball St. NE. Grand Rapids, MI 49503

Place of Confinement During Events Described in Complaint Kent County Correctional facility

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. Provide the same information for each additional defendant. If there are more than six defendants attach extra sheets as necessary.

Name of Defendant #1 Michael David Adams

Position or Title Attorney at law

Place of Employment Law office of Michael David Adams, PLLC

Address 15 Ionia AVE SW, STE: 530. Grand Rapids, MI 49503

Official and/or personal capacity? Official & Personal

Name of Defendant #2 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #3 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #4 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #5 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

III. Statement of Claim

State here the **facts** of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. **Do not include unrelated claims.** Use as much space as you need. Attach extra sheets if necessary.

(#1) On June 6, 2023, Attorney Michael David Adams was appointed to me for a Adjudication/disposition hearing in a child protective proceedings (refer case: #21-50441-NA, 17th Judicial Circuit for the County of Kent, Hon. Patricia D. Gardner). At this hearing I addressed Mr. Adams about a hearsay testimony that he was allowing that he need to object to that created a false foundational ground for reason for that court to bring me into there jurisdiction, at that point Mr. Adam told me to be quite, I spoke up to the courts to object the third party testimony to no Avil. This clear ineffectiveness of Mr. Adams Counsel not only harmed me but violated my Constitutional rights to due process that in turn caused injury to my over-all outcome of that proceedings by not objection to D.A. Blagojevitch for children and family agency worker, Brandi Leys falsified hearsay testimony. Following the day of said hearing I continue to have issue's with Mr. Adams failure/Refusal to communicate with me about review hearings and motion I wanted him to file on my behalf but I got the run around by his Secretary over a dozen times, this lead to me filing a Grievance with Michigan Attorney Grievance Commission in Sept 6, 2023. whom on Nov 8, 2023 begin an open investigation into my Complainants (Refer: AGC File # 23-1908) to MRPC Rule's violation, from Mr. Adams.

After my October 5, 2023 Demeaningly Planning (review) hearing and due to Mr. Adams (continued below) minimal effort into assisting me, October 11, 2023 I was finally able to express my grievance over the phone while I was still incarcerated at the Kent County Jail, and I express to Mr. Adams that I wanted for him to withdrawal from representation he said "No" and I relayed to him that he would have a problem if he didnt (meaning another grievance write).

(#2) On November 3, 2023, Mr. Adams filed a Motion to Withdrawal as Counsel and within that writing motion Mr. Adams as a last ditch to cause hurt and harm to me wrote in his Motion to the Judge that "As my Attorney he feel like Mr. Berry Shouldnt get Custody of his Son due to his temperament". This not only tainted even more a Judge who have been biased since my Conception of the case but he also harmed me because this Judge changed the Court's goal from reunification to adoption. This violated my right to due process the U.S. Constitution, also was gross negligence from Mr. Adams, Violating MRPC 1.6, MRPC 1.16. Mr. Adams also failed to take appropriate steps to protect his Client's interests upon termination of representation violating MRPC 1.16(d)(2). Mr. Adams was Malice in his motion to withdrawal which is Legal Malpractice.

IV. Relief

State briefly and precisely what you want the court to do for you.

Grant Monetary damages in the official/Personal Capacity from Michael D. Adams in the amount of \$1,56,941.10. Plus Court fees.

Grant An Administrative injunctive relief of 17th Circuit Court of Kent Count in the reunification of my Son Tahmir Strickland-Miller.

Suspending Mr. Adams State Bar license for 36 months.

Disqualify Judge Patricia Gardner from any proceedings involving me and my son.

Revise a Systemic injustice procedure's against minority parents, emphasis on the incarcerated.

V. Notice to Plaintiff Regarding Consent

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

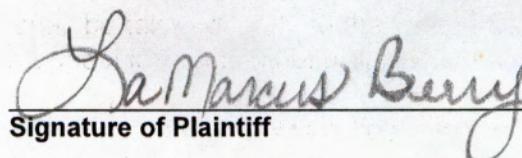
Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

- I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.
- I request that this case be assigned to a district judge.

Date

3/4/24


Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a pro se litigant to keep the court apprised of an address change may be considered cause for dismissal.

NAME: LaMarcus Valentino Berry #00202251
KENT COUNTY CORRECTIONAL FACILITY
703 BALL AVENUE N.E.
GRAND RAPIDS, MI 49503

GRAND RAPIDS MI 493

5 MAR 2024 PM 3 L



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United States District Court
399 Federal Building
110 Michigan N.W.
Grand Rapids, MI 49503-2363

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